IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 9812 of 2004(R)

PETITIONER:

THE EXECUTIVE DIRECTOR (S & R),
SWITCH GEAR DIVISION, ALUMINIUM INDUSTRIES LIMITED, MANNAR, ALLEPPEY DISTRICT.

BY ADV.SRI.E.K.NANDAKUMAR,
SRI.A.K.JAYASANKAR NAMBIAR,
SRI.ANIL D. NAIR,
SMT.PRIYA MAHESH,
SMT.PRIYA MANJOORAN.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **KUNDARA GRAMA PANCHAYAT (SPECIAL GRADE) KUNDARA, KOLLAM DISTRICT, REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.T.M.ABDUL LATHEEF,
GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.9812/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS DTD. 10/11/2003, CASE NO. 93/87 OF THE BIFR.

EXT.P.2: COPY OF THE PROCEEDINGS DTD. 18/11/2003 WITH ITS ANNEXURE, CASE NO. 93/87.

EXT.P.3: COPY OF THE REVENUE RECOVERY DEMAND NOTICE DTD. 10/12/2003 FOR RS. 2,52,781/- ISSUED BY THE R.2.

EXT.P.4: COPY OF THE REVENUE RCOVERY DEMAND NOTICE DTD. 10/12/2003 FOR RS. 39,150/- ISSUED BY THE R.2.

EXT.P.5: COPY OF THE LETTER DTD. 15/12/03 REF: ED:3A:171 ISSUED BY THE PETITIONER TO THE R.2.

EXT.P.6: COPY OF THE JUDGMENT DTD. 19TH DECEMBER 2003 IN W.P.(C). NO. 40235/2003.

EXT.P.7: COPY OF THE LETTER DTD. 23/02/04, WITHOUT THE ENCLOSED COPY OF THE JUDGMENT, SENT BY THE PETITIONER TO THE R.2.

EXT.P.8: COPY OF THE R.R. DEMAND NOTICE DTD. 04/03/2004 OF RS. 2,61,820/- ISSUED BY THE R.2.

EXT.P.9: COPY OF THE R.R. DEMAND NOTICE DTD. 04/03/2004 OF RS. 39,175/- ISSUED BY THE R.2.

EXT.P.10: COPY OF THE INTIMATION REGARDING AND PROSECUTION PROCEEDINGS, DTD. 04/03/2004 OF RS. 2,61,820/- ISSUED BY THE R.2.

EXT.P.11: COPY OF THE INTIMATION REGARDING AND PROSCUTION PROCEEDINGS, DTD. 04/03/2004 OF RS. 39,175/- ISSUED BY THE R.2.

EXT.P.12: COPY OF THE COVERING LETTER DTD. 04/03/2004, NO. A4-218/98 ISSUED BY R.2. TO THE PETITIONER.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.9812 of 2004

Dated 14th March, 2007.

J U D G M E N T

Petitioner is aggrieved by the steps taken by the Panchayat for recovery of the building tax. On an earlier occasion, this Court has directed the Panchayat to consider whether the recovery should be made when proceedings are pending before the B.I.F.R. It is submitted that without passing any orders as directed in Ext.P6 judgment, steps have been taken for recovery of the tax. Learned counsel for the petitioner submits that the matter is now pending before the A.I.F.R. In the above circumstances, the writ petition is disposed of making it clear that only after complying with the directions in Ext.P6 judgment and communicating the order thus duly passed in the matter, any further action shall be taken in the matter of levy and collection of property tax.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No.9812 of 2004

J U D G M E N T

Dated 14th March, 2007.